

REMARKS

Status of the Claims

Claims 1-19, 21-24, 27-33, 35-40, 65, and 67-76 are presently pending in this application. Claims 5, 11, and 27-33 have been withdrawn. Reconsideration is respectfully requested in view of the amendments and remarks herein.

Applicant thanks Examiner Stewart for extending the courtesy of a telephone interview to Applicant's representative Christina Sperry on February 3, 2009.

Amendments to the Claims

Independent claim 1 is amended to recite opposed first and second cut-out portions formed in the guide member, the first cut-out portion extending from a distal end of the guide member to a proximal end of the guide member, and the second cut-out portion extending from the distal end of the guide member and terminating distal to the proximal end of the guide member. Independent claims 35, 65, 73, and 75 are similarly amended to recite first and second cut-out portions.

Independent claims 65 and 73-76 are amended to recite, similar to claim 1, that the first and second pathways have a proximal portion at least partially in communication with one another. Claim 21 is cancelled, and withdrawn claim 11 and pending claims 22-24 are amended to reflect the amendment of claim 1. Claim 72 is cancelled, and claims 70 and 71 are amended to reflect the amendment of claim 65.

Support for these amendments can be found throughout the specification and drawings, for example in Figure 5B and in paragraphs [0047] and [0048]. No new matter is added.

Status of Previously Submitted Information Disclosure Statements

For the fourth time, Applicant respectfully requests the Examiner to initial Cite No. AD, U.S. Published Application 20040019353-A1, cited in the Information Disclosure Statement submitted by the Applicant on October 12, 2007. A copy of the October 12, 2007 Information Disclosure Statement partially initialed by the Examiner on December 4, 2007 is enclosed.

Rejections Pursuant to 35 U.S.C. § 102

Claims 1-4, 6-10, 12-19, 21-24, 35-40, 65, and 67-76 are rejected pursuant to 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,524,318 of Longhini et al. (“Longhini”).

During the interview, the rejection of independent claims 1, 35, 65, and 73-76 was discussed. Agreement was reached that the independent claims as amended distinguish over all cited references, particularly Longhini and U.S. Patent No. 5,306,278 of Dahl et al., because none of the cited references alone or in any combination teach or suggest first and second pathways in a guide member that have a proximal portion at least partially in communication with one another, and first and second cut-out portions formed in the guide member, the first cut-out portion extending from a distal end of the guide member to a proximal end of the guide member, and the second cut-out portion extending from the distal end of the guide member and terminating distal to the proximal end of the guide member.

In conclusion, claims 1-4, 6-10, 12-19, 21-24, 35-40, 65, and 67-76 are thus in condition for allowance, and allowance thereof is respectfully requested. Applicant’s amendment of the claims does not constitute a concession that the claims are not allowable in their unamended form. **The Examiner has agreed to telephone the Applicant’s representative if any new prior art is located in an updated search.**

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Respectfully submitted,

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				<i>Complete If Known</i>	
Sheet	1	of	1	Application Number	10/409,958-Conf. #8135
				Filing Date	April 9, 2003
				First Named Inventor	Tushar Patel
				Art Unit	3733
				Examiner Name	A. R. Reimers
				Attorney Docket Number	101896-0161

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
/AS/	AA*	US-7,094,242-A1	08-22-2006	Ralph et al.	
/AS/	AB*	US-5,745,884	04-28-1998	Carnegie et al.	
/AS/	AC*	US-7,011,665-A1	03-14-2006	Null et al.	
	AD*	US-20040019353-A1	01-29-2004	Freid et al.	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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NON PATENT LITERATURE DOCUMENTS					
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¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	/Alvin Stewart/	Date Considered	12/04/2007
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